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October 29, 2020

Via ECF

Hon. P. Kevin Castel
United States District Court, Southern District of New York
500 Pearl Street
New York, New York 10007

Re: MN Theaters 2006 LLC v. Grupo Cinemex, S.A. de C.V. (Case No. 20-cv-5860)

Dear Judge Castel:

On behalf of Defendant Grupo Cinemex, S.A. de C.V. ("Grupo Cinemex"), we write pursuant to Rule 5(B) of Your Honor's Individual Rules and Practices and respectfully seek leave to file under seal one deposition transcript containing confidential non-public financial information. Grupo Cinemex respectfully requests that the Court allow it to file under seal the deposition transcript of Jorge Pena, dated October 14, 2020, Grupo Cinemex's 30(b)(6) witness. The deposition transcript was designated confidential by counsel for Grupo Cinemex because it contains discussion of nonpublic and confidential information that would harm Grupo Cinemex if publicly disclosed.

Specifically, the deposition transcript contains discussion regarding, among other things, (a) bank account statements, including specific payments reflected in those statements and the balances in these accounts, (b) loan documents and credit agreements, (c) balances of loans between Grupo Cinemex and its subsidiaries, (d) identifying information regarding certain personnel, and (e) other non-public information regarding Grupo Cinemex's assets and finances. See *Scantibodies Lab., Inc. v. Church & Dwight Co.*, No. 14cv2275 (JGK) (DF), 2016 U.S. Dist. LEXIS 154396, at *41 (S.D.N.Y. Nov. 4, 2016) (referencing (30)(b)(6) deposition transcript that had been filed under seal); *Kaplan v. Multimedia Entm't, Inc.*, No. 02-CV-00447C(F), 2005 U.S. Dist. LEXIS 40351, at *3 (W.D.N.Y. Oct. 27, 2005) (referencing numerous exhibits filed under seal including deposition testimony); *Tese-Milner v. Diamond Trading Co.*, 2010 U.S. Dist. LEXIS 143934, at *2 (S.D.N.Y. May 14, 2010) (noting that "financial statements" had been filed under seal); *Cumberland Packing Corp. v. Monsanto Co.*, 184 F.R.D. 504, 506 (E.D.N.Y. 1999) (noting that commonly sealed information includes "revenue information, pricing information, and the like.").

Respectfully submitted,

/s/ Daniel Pulecio-Boek
Daniel Pulecio-Boek

cc: All counsel of record (via ECF)

*Grupo Cinemex is
free to make the
redactions permitted by
Rule 5.2(a), Fed.R.Cv.P.
Application otherwise
denied for failure to
demonstrate satisfaction
of the Lugosch standard.
SO ORDERED*

[Signature]
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